

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 02-1772V

(E-Filed: November 1, 2007)

L. PAUL MOREL and KIM M. MOREL,
as parents, guardians, and representatives of,
BRITTANY MASHELL MOREL,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Respondent.

UNPUBLISHED

Attorneys' Fees and Costs

ATTORNEYS' FEES AND COSTS DECISION¹

Petitioners, Paul Morel and Kim Morel, filed this action as legal representatives of their minor daughter, Brittany Mashell Morel (Brittany), seeking compensation for Brittany's death, allegedly related to her receipt of the hepatitis B vaccination. Petitioners seek an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the Program). 42 U.S.C. §§ 300aa-1

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless the decisions contain trade secrets or commercial or financial information that is privileged or confidential, or the decisions contain medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. Within 14 days of the filing of a decision or substantive order with the Clerk of the Court, a party may identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

to -34 (2000 & Supp. II 2003).

On September 7, 2007, counsel for both parties filed a stipulation, stating that a decision should be entered granting compensation.

On October 16, 2007, petitioners filed an Unopposed Application for Attorneys' Fees and Costs (Fee App.) requesting \$45,984.12 for attorneys' fees and costs borne by petitioners' counsel, and \$82.49 for costs borne by petitioner. See Fee App., filed October 16, 2007, at 1-2. Petitioners requested \$33,484.12 in fees and costs for his current attorney of record, Mr. Altom Maglio, Esq. (Mr. Maglio). See Fee App. ¶ 4. He requested \$12,500.00 for his original counsel, James B. Pittman, Jr., P.C. See Fee App. ¶ 3. Petitioners attested that he incurred \$82.49 in personal expenses as defined by General Order No. 9. See Fee App. ¶ 5.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and on respondent's counsel's lack of objection to petitioners' counsel's amended fee request, the undersigned **GRANTS** Petitioners' Unopposed Application for Attorneys' Fees and Costs filed on October 16, 2007.

The undersigned awards petitioners \$45,984.12 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioners' favor in the amount of \$45,984.12 in attorneys' fees and attorneys' costs and petitioners' costs.³ The judgment shall reflect that the James B. Pittman, Jr., P.C. firm may collect \$12,500.00 from petitioner. See Fee App. ¶ 3. In addition, the judgment shall reflect that Mr. Maglio may collect \$33,484.12 from petitioner. Id. ¶ 4. Finally, the judgment shall reflect that petitioner may retain \$82.49 for his out-of-pocket expenses. Id. ¶ 5.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.